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THE ESSENCE OF INTELLECTUAL PROPERTY

Гігуашвілі Г. Г. Сутність інтелектуальної власності. Творча діяльність людини завжди було невід'ємною частиною існування людини. Разом з розвитком людство все актуальним стає створення та правовий захист інтелектуальних нововведень. У статті розглядаються сутність інтелектуальної власності, права на інтелектуальну власність, погляди про захист інтелектуальної власності, переваги та необхідність охорони інтелектуальної власності. Аналізується основні проблеми правового забезпечення інтелектуальної власності Грузії.

Гигуашвили Г. Г. Сущность интеллектуальной собственности. Творческая деятельность человека всегда было неотъемлемой частью существования человека. Вместе с развитием человечество все актуальным становится создание и правовая защита интеллектуальных новшеств. В статье рассматриваются сущность интеллектуальной собственности, права на интеллектуальной собственности, взгляды о защите интеллектуальной собственности, преимущества и необходимость охраны интеллектуальной собственности. Анализируются основные проблемы правового обеспечения интеллектуальной собственности Грузии.

Giguashvili G. The Essence of Intellectual Property. Human existence and activity have always been an integral part of his creative work. Along with the development of mankind becomes more urgent creation and legal protection of intellectual innovation. The paper deals with intellectual property, intellectual property rights of nature, ideas about intellectual property protection and promotion of the need and benefits of intellectual property protection. Are analyzed, Georgia Intellectual Property Legal Provision of the basic problems.

Intellectual property related to human intelligence, creativity, activity and protects the intellectual creation of human impact. It covers science, technology, business, literary and artistic fields. Intellectual property is the right combination that will arise as a result of such intellectual activity. These rights do not relate directly to material objects, which will result in creative activities (For example, a device that is made on the basis of the invention, or a book, a printed literary works), and applies only to the human mind works, as such. Since the essence of intellectual property objects represent the information (which is expressed in the idea or form, it is impossible for them to use the direct control of the properties of the material forms acceptable to the legal mechanisms. That's why in the world for centuries formed the intellectual property rights, production and implementation of legal norms, are reflected in the relevant national legal acts (the first acts of the XV century in Venice), the international agreements and conventions.

According to the Convention establishing the World Intellectual Property Organization, which was adopted at Stockholm on July 17, 1967 (Article 2 [VIII]), "Intellectual property includes rights relating to:

- Literature, art and scientific works;
- Actress - performers' speeches, TV broadcasting programs;
- Inventions in all fields of human activity;
- Scientific discoveries;
- Industrial designs;
- Trademarks, service marks, trade names and commercial indications;

- Unfair competition, and all other rights, which derive from the intellectual activities of industry, scientific, literary or artistic fields ". [1]

Intellectual property rights point of view, the above list, two fields have traditionally been singled out. In particular, industrial property rights and copyright protection.

- Industrial property objects: inventions, industrial designs, integrated circuits, trademarks and geographical indications. In addition, the protection of industrial property rights - a form of unfair competition is.
- Copyright works include scientific, literary and artistic works such as novels, poems, plays, movies, music, pictures, paintings, photographs, sculptures, architectural designs, and others. Is subject to copyright protection, as well as the product of mental labor, such as, for example, computer programs and electronic databases.

Scientific discoveries and intellectual property in these two fields do not belong to either one.

Like any other proprietary right, artist or intellectual property rights of patent, trademark or copyright holder allows, will benefit from their own work or investment. These rights are the basic principles of the Universal Declaration of Human Rights 27 - Article, which defined the work of any scientific, literary or artistic work of authorship based on moral and economic interests of protecting the right to receive benefits.

Georgia in the development of the modern stage of the growing role of intellectual news about legal security, because it is impossible to tough competition in the global market for such products to establish its place, the production used to be the latest in technology, the original construction, the leading design solution, or some kind of know - how the train advertising - marketing jobs , which, in turn, investing in huge demand. As a result, a given product or product group, on the one hand, deservedly occupies a significant part of the market and, on the other hand, with a good reputation for the company. Also, the company's name and its trademark or service mark in the universal recognition can bring. The latter is an object of intellectual property, or properties of a product the company creates the image and then each new product manufactured by the company to quickly find a place in the market, because it marked the company is pointing to the well-known attributes.

Intellectual Property Rights contribute to the improvement of the competitiveness of any company, a leading market position and stable revenue growth. There is no country in the world, where intellectual property rights are not violated. Intellectual Property Protection in Georgia in terms of the same problems as other countries. To improve the situation very much to be done. First of all, people need to realize the importance of intellectual property, and businesses about the importance of copyright to obtain information. When a business is more firmly based on the legislation, the more you will be protected by copyright, success is inevitable. The main challenge to the legal resolution of this issue.

Intellectual property is introduced as a legal term. The practice is becoming increasingly common in such disputes, intellectual property subject to the unlawful use or abuse of monopoly rights to intellectual property owners in violation of it. As a result of unlawful actions, the market appears in counterfeit goods. Ultimately, intellectual property owned by natural persons and legal persons suffer great financial loss and, in turn, damage the country suffers.

Unfortunately, the intellectual property, and in particular, industrial property, the macro and microeconomic climate recovery in the minor role that is not possible to foresee the huge values, which is manifested in the form of intangible assets. Consulting Company "Inter Brand" - those studies have revealed that the tangible and intangible assets, the share of proportion, for example, the company "British Petroleum" - amounted to 29: 69, company, IBM - 17: 83, the company Coca-Cola - 4: 96. The best known example of this, several companies, including capitalization of tangible and intangible assets, share and analyze, we will see, that tangible assets and intangible assets are often several times higher than the annual growth trend has. [2]

Intangible assets include intellectual property (patents, trademarks, know - how, etc.), licenses (rights of television and radio, on the rights of production, etc.), publishing and other

rights. Intellectual property with a market value of properties there. Trademarks cost tens of billions of dollars and it is as common goods, buy - sell both. The same great value reaches the patents, licenses or know - how, which is owned by leading companies and their products are used.

I often say that Georgia is a country of great intellectual potential. Experts say, the intellectual product of improper design, incorrect assessment and its management, profits, rather than harm it can bring. Enough to be analyzed as an example of a traditional Georgian wine and brandy. Because the majority («Khvanchkara», «Ojaleshi», «Kindzmarauli», «Grammy», «Vartsikhe» and others) have no legal protection, created chaotic conditions both internal and external markets. The holder of the absence of that fraud, if there is no legitimate interest in the subject, which will come out against the falsifiers and legal way to protect the brand reputation.

Intellectual property valuation is a matter of separate consideration. May be noted that the evaluation of several methods used in the legal, geographic, economic, historical and social factors as well. Unfortunately, in Georgia there are still many problems in this regard. Some of the privatization of the enterprise value of the intellectual property of the object did not happen. However, many enterprises have accumulated a lot of research, testing - consultancy, inventive and know - how intangible assets are signs of the train, or a well-known trademarks or service marks. An example of this popular Georgian brands: "The Borjomi", "Lagidze Waters".

The material is almost impossible without an assessment of intellectual property, unlawful actions in the case of an offender's right to appeal against material damage to the. Such trials are rare in this area and there is not enough experience and enough of a precedent, that the economic development of the intellectual property of the subject property due to take place.

Georgia's Intellectual Property in the area of intellectual property legislation under the terms of the legal provision of the National Center of Intellectual Property - Patent Office. "He is active in the field of intellectual property protection is an independent body whose main task is to:

- A) The protection of intellectual property system for development and improvement of specific measures;
- B) Priorities in the field of intellectual property and organize their implementation;
- C) The enforcement of the policy and its implementation;
- D) Intellectual property in the area of international cooperation with foreign countries and the international obligations of Priorities;
- E) The relevant state bodies and international organizations to cooperate with foreign countries;
- F) Intellectual property rights for the purpose of providing the scientific - technological and artistic - creative potential to develop and promote a healthy competitive environment;
- G) Intellectual property issues related to public information;
- H) The laws of certain other tasks to perform. [3]

Investigations revealed that the drugs almost two-thirds have established patent protection guarantees, thus making it possible income research funding, many billions of dollars' worth of films, audio - video, various publications, computer programs, and others. The pleasure to millions of people around the in the world, they would not exist without copyright protection, the user would not have been able to buy products or make the determination required for the services of the trademark rights to protect and secure the implementation of these rights without providing the basis for fair competition conditions.

Thus, it is necessary to promote and protect the intellectual property, because: Humanity's progress and prosperity are closely related to the introduction of technological innovation in industry and the creative innovations in the field of culture with; The products of mental labor rights of the legal system facilitates identification of additional resources, and encourages further innovation; Intellectual property rights and their implementation for the promotion of economic development, the process accelerates, creating new fields of industry and jobs, improves living conditions and quality standards.

We believe that the creation of intellectual property, legal protection and use of special processes in place to take the state to stimulate. Moreover, it ought to be the codification of international intellectual property laws. Actual improvement of the legal relationship between the scientific - technical performance results and the creation of objects of intellectual property, legal protection and use of science and technology in the field. Special attention should be paid to intellectual property commercialization.

Table of authorities:

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Ключові слова: інтелектуальна власність, об'єкти інтелектуальної власності, захист прав інтелектуальної власності.

Ключевые слова: интеллектуальная собственность, объекты интеллектуальной собственности, защита прав интеллектуальной собственности.

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